

REMARKS

1. In response to the Office Action mailed November 16, 2007, Applicants respectfully request reconsideration. Claims 1-3, 5, 6, 8-10, 12-21, 24-26, 28-30 were last presented for examination. In the outstanding Office Action, all claims were rejected. By the foregoing Amendments, claims 1, 8, 12, 14, 15, 18, 24 and 28 have been amended, claims 33-40 have been added, and no claims have been cancelled. Thus, upon entry of this paper, claims 1-3, 5-6, 8-10, 12-21, 24-26 and 28-40 will be pending in this application. Of these thirty-two (32) claims, five (5) claims (claims 1, 24, 36, 39 and 40) are independent.

2. Based upon the above Amendments and following Remarks, Applicants respectfully request that all outstanding rejections be reconsidered and that they be withdrawn

Claim Rejections

3. The Examiner has rejected claims 1-3, 5-6, 8-9 15-17, 24-26, and 29-30 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,546,507 to Coyle *et al.*, (hereinafter, "Coyle"). The Examiner has rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Coyle in view of U.S. Patent No. 5,119,021 to Taraci *et al.*, (hereinafter, "Taraci"). Similarly, the Examiner has rejected claims 18-21 and 23 under 35 U.S.C. 103(a) as being unpatentable over Coyle in view of U.S. Patent Application Publication No. 2003/0130969 to Hawkins *et al.*, (hereinafter "Hawkins"). Applicants respectfully request reconsideration and withdrawal of these rejections.

Withdrawal of Indication of Allowable Subject Matter

4. In the previous Office Action mailed July 16, 2007, (hereinafter, "previous Office Action"), the Examiner objected to claims 11-12 and claims 27-28 as being dependent upon rejected base claims. The Examiner stated that these claims would be allowable over Coyle and the other art of record if rewritten in independent form to include the limitations of the base claim and any intervening claims. In response to these indications in the previous Office Action, Applicants amended the base claim of claim 11 (claim 1) to include the limitations of claim 11 and the limitations of all intervening claims (claims 4 and 7). Likewise, Applicants amended the base claim of claim 27 (claim 24) to include the limitations of claim 27 and any intervening

claims (none). Therefore, in light of the Examiner's indications in the previous Office Action, these claim amendments should have placed claims 1 and 24 in condition for allowance.

5. However, in the present Office Action, the Examiner has reversed the previous decision that these amendments would make claims 1 and 24 patentable over the other art of record. Rather, the Examiner now alleges that amended claims 1 and 24 are obvious over Coyle, effectively withdrawing the previous indication that claims 11 and 27 were directed to allowable subject matter.

6. As such, because the Examiner has apparently withdrawn the indication that claim 11 is directed to allowable subject matter, Applicants have amended claim 1 to remove the limitations of claim 11 and intervening claims 4 and 7. Therefore, Applicants assert that claim 1 has the same scope as it did prior to the amendments of October 16, 2007. New claims 33, 34 and 35 have been added to claim the elements of former claims 4, 7 and 11.

7. Likewise, because the Examiner has also withdrawn the indication that claim 27 is directed to allowable subject matter, Applicants have amended claim 24 to remove the limitations of 27. Therefore, Applicants assert that claim 24 has the same scope as it did prior to the amendments of October 16, 2007. New claim 38 has been added to claim the elements of former claim 27.

8. Moreover, in light of the indications by the Examiner in the previous Office Action that claims 11 and 27 were directed to allowable subject matter, Applicants canceled claims 22-23 and 31-32. Applicants canceled these claims in order to expedite prosecution of this application. However, because, the Examiner now asserts that claims 11 and 27 are not directed to allowable subject matter, Applicants have added new claims 36-37 and 39-40 to claim the subject matter of former claims 22-23 and 31-32, respectfully.

9. Applicants assert that no new matter has been added by the above claim amendments.

Claim 1

10. As noted above, the Examiner has rejected claim 1 under 35 U.S.C. §103(a) as unpatentable over Coyle. (See, Office Action, page 2.) For at least the reasons discussed below, Applicants assert that Coyle neither anticipates, nor renders obvious, Applicants' claim 1.

11. As previously stated by Applicants, Coyle is directed to a system for testing and tuning a bus used to connect electronic devices. (See, Coyle, col. 6, lines 37-39.) As shown in Figure 25 of Coyle, the bus testing system comprises: a stress injection module, a first failure capture module, an analysis module and a bus tuning module. (See, Coyle, col. 34, lines 50-61.) The stress injection module is configured to “inject” or apply test cycles in the form of voltage test patterns to a bus being tested by the system. (See, Coyle, col. 34, lines 50-56; col. 7, lines 31-39.) The first failure module monitors the bus being tested and detects when a failure occurs on the bus as a result of the applied test voltage. (See, Coyle, col. 34, lines 50-58.) When a failure is detected, the *first failure module captures “error-related operating information” and provides that information to the analysis module for diagnosis* of the failure and any related performance issues. (See, Coyle, col. 34, lines 50-61; col. 35, lines 18-44; emphasis added) Based on this analysis, the bus tuning module can adjust the electrical characteristics of the bus being tested. (See, Coyle, col. 34, lines 58-61; col. 35, lines 48-65.) This testing process is repeated until the electrical characteristics of the bus have been properly tuned as required by the system or system user. (See, Coyle, col. 39, line 32- col. 40, line 12.)

12. In both the current Office Action as well as the previous Office Action, the Examiner has equated the first capture module of Coyle to a “fault bypass module configured to... mask the at least one signal indicative of one or more faults by generating at least one signal indicative of absence of said one or more faults” as recited, in part, in Applicants’ claim 1. The Examiner alleges that the first capture module “mask[s] the at least one signal indicative of one or more faults” because the “system [of Coyle] does not pass the value.” (See, Office Action, pages 2-3.) However, the Examiner then states that the system of Coyle teaches “generating at least one signal indicative of absence of the one or more faults” because “the system passes the value.” (See, Office Action, page 3.)

13. Although it is very unclear, Applicants believe the Examiner is asserting that when a failure is detected in Coyle, the first capture module does not pass the value, but when no failure is detected the first capture module passes received values. (See, Office Action page 3.) The Examiner then appears to be equating this “passing” of the signal to “mask[ing] the at least one signal indicative of one or more faults” as recited in claim 1.

14. Regardless of whether or not Applicants' understanding of the Examiner's remarks are correct, Applicants assert that the first capture module of Coyle is vastly different from a "fault bypass module" of claim 1 because the first capture module of Coyle does not "mask the at least one signal indicative of one or more faults." Rather, as noted above, the first capture module of Coyle merely detects a fault on the bus and relays captured error information related to the detected fault. (See, Coyle, col. 34, lines 50-61.) In Coyle, the fault is detected by the testing system, and the various components of the testing system use information related to the detected fault to diagnosis and analyze problems on the bus being tested. No where in the entire disclosure of Coyle does it state the testing system is capable of masking the detected fault. Applicants assert that one of ordinary skill in the art would immediately recognize that the mere detection and relay of fault information is totally unrelated to "mask[ing]... at least one signal indicative of one or more faults" as recited in claim 1.

15. Even if one were to unreasonably assert that Coyle teaches mask[ing]... at least one signal indicative of one or more faults" in some unknown manner, Applicants assert that Coyle would still fail to teach all elements of Applicants' amended claim 1 because the first capture module of Coyle does not generate "at least one signal indicative of absence of said one or more faults." As explained in detail above, when a fault is detected the first capture module merely detects this fault and relays related information to the analysis module. (See, Coyle, col. 34, lines 50-61.) Coyle completely fails to teach the generation, or relay of, any other signal beyond this information. As such, Applicants assert that one of ordinary skill in the art could not reasonably find that the mere relay of error information to an analysis module is even remotely related to "generating at least one signal indicative of absence of said one or more faults" as recited, in part, in claim 1.

16. Therefore, for at least these reasons, Applicants assert that claim 1 is patentable over Coyle. Applicants further assert that the other art of record, taken alone or in combination, fail to teach or suggest that which is missing from Coyle. As such, Applicants respectfully request that the rejection of claim 1 be reconsidered and that it be withdrawn.

Claim 24

17. For at least the reasons discussed above with reference to claim 1, Applicants assert that claim 24 is patentable over Coyle. Specifically, Applicants assert that Coyle fails to teach or suggest “transmitting at least one signal indicative of absence of said faults, thereby masking said intercepted signals” as recited, in part, in claim 24. As explained above, the first capture module of Coyle merely detects a fault on the system bus and relays this information to the analysis module. (*See*, Coyle, col. 34, lines 50-61.) This detection and relay is entirely unrelated to “transmitting at least one signal indicative of absence of said faults, thereby masking said intercepted signals” as recited in claim 24.

18. Therefore, for at least these reasons, Applicants assert that claim 24 is patentable over Coyle. Applicants further assert that the other art of record, taken alone or in combination, fail to teach or suggest that which is missing from Coyle. As such, Applicants respectfully request that the rejection of claim 24 be reconsidered and that it be withdrawn.

New Claim 36

19. For at least the reasons discussed above with reference to claim 1, Applicants assert that claim 36 is patentable over Coyle. Specifically, Applicants assert that Coyle fails to teach or suggest a “fault bypass module configured to intercept at least one signal indicative of one or more faults... and [to] mask the at least one signal indicative of one or more faults by generating at least one signal indicative of absence of the one or more faults” as recited, in part, in claim 36. As explained above, the first capture module of Coyle merely detects a fault on the system bus and relays this information to the analysis module. (*See*, Coyle, col. 34, lines 50-61.) This detection and relay is entirely unrelated to “mask[ing] the at least one signal indicative of one or more faults by generating at least one signal indicative of absence of said one or more faults” as recited in claim 36.

20. Therefore, for at least these reasons, Applicants assert that claim 36 is patentable over Coyle. Applicants further assert that the other art of record, taken alone or in combination, fail to teach or suggest that which is missing from Coyle.

New Claim 39

21. For at least the reasons discussed above with reference to claim 1, Applicants assert that claim 39 is patentable over Coyle. Specifically, Applicants assert that Coyle fails to teach or suggest a “means for masking said intercepted at least one signal by generating at least one signal indicative of absence of said at least one fault” as recited, in part, in claim 39. As explained above, the first capture module of Coyle merely detects a fault on the system bus and relays this information to the analysis module. (See, Coyle, col. 34, lines 50-61.) This detection and relay is entirely unrelated to “masking said intercepted at least one signal by generating at least one signal indicative of absence of said at least one fault” as recited in claim 39.

22. Therefore, for at least these reasons, Applicants assert that claim 39 is patentable over Coyle. Applicants further assert that the other art of record, taken alone or in combination, fail to teach or suggest that which is missing from Coyle.

New Claim 40

23. For at least the reasons discussed above with reference to claim 1, Applicants assert that claim 40 is patentable over Coyle. Specifically, Applicants assert that Coyle fails to teach or suggest a “fault bypass module configured to mask signals indicative of one or more faults associated with one or more of said components during margin testing of said computer server” as recited, in part, in claim 40. As explained above, the first capture module of Coyle merely detects a fault on the system bus and relays this information to the analysis module. (See, Coyle, col. 34, lines 50-61.) This detection and relay is entirely unrelated to “mask[ing] signals indicative of one or more faults” as recited in claim 40.

24. Therefore, for at least these reasons, Applicants assert that claim 40 is patentable over Coyle. Applicants further assert that the other art of record, taken alone or in combination, fail to teach or suggest that which is missing from Coyle.

Dependent claims

25. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter, which makes them *a fortiori* independently patentable

over the art of record. Accordingly, Applicants respectfully request that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

26. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

27. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application, cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicants reserve the right to pursue such claims in a continuation or divisional application.

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Respectfully submitted,

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